UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,600	07/03/2001	Ravi Gauba	80398.P448	1960

7590   07/26/2006

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EXAMINER
JONES III, CLYDE H

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/898,600	GAUBA ET AL.
	Examiner	Art Unit	
	Clyde H. Jones III	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *10 May 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed in the 5/10/2006 remarks on pages 9-10 have been

fully considered but they are not persuasive. The applicant argues that Sitnik doesn't

teach the limitation a further user selection input modifies the previously selected play

sequence, however the examiner respectfully disagrees because Sitnik teaches the

user can switch a previously selected commercial off ("zapping") which can then cause

a default commercial to be displayed which (although not specifically disclosed) is a

modification of the pre-selected play sequence in response to a further user input

selection (col. 7, lines 47-51; col. 9, lines 5-10).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3. Claim1-38 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sitnik

(US 6,160,570).

Regarding claims 1, 12, and 28, Sitnik anticipates the apparatus (fig. 2)

(corresponding method and computer readable medium) comprising:

a control module (19 and 30) to retrieve a profile of a user and content

information (synchronized video signals) associated with a selected content file (MPEG

A/V data) in response to a selection input command from said user (col. 6, lines 30-34;

col. 3, line 51-col. 4, line 7), said selection input command selecting said selected

content file for transmission to said user (col. 4, lines 49-57), and to select a play

sequence of said selected content file based on said profile and said content

information (col. 4, lines 8-33; col. 5, lines 1-11; col. 8, lines 34-37); and

a presentation module (14) to present said play sequence to said user (col. 3,

lines 29-41; col. 9, lines 24-49); and

modifying the play sequence if further selection input is received from the user in

response to the presenting the play sequence (col. 7, lines 47-51; col. 9, lines 5-10; in

which Sitnik teaches the user can switch a previously selected commercial off/"zapping"

which then causes a default commercial/presentation sequence to be displayed which

(although not specifically disclosed) is a modification of the pre-selected play sequence

in response to a further user input selection).

Regarding claim 13, Sitnik anticipates a storage module (12, 22, 24) to store the

profile of the user (col. 6, lines 37-60) and a plurality of content files including the

selected content file (col. 5, lines 2-11; col. 3, line 64-col. 4, line 34; col. 5, lines 33-46).

Regarding claims 2, 14, 15 and 29, Sitnik anticipates the control module further

receives an explicit input command from the user, the explicit input command

requesting a change in the play sequence of the selected content file (col. 8, lines 15-

16; lines 25-26; lines 41-49; 55-61; in which a users inputs an explicit request to insert

an alternative image, e.g., an ad for a preferred team), and further selects a modified

play sequence of the selected content file based on the explicit input command (col. 8,

lines 2-62).

Sitnik further anticipates the presentation module further presents the modified

play sequence to the user (col. 8, lines 35-52; col. 3, lines 29-41; col. 9, lines 24-49).

Regarding claim 16, Sitnik anticipates the control module further retrieves the

profile of the user and the plurality of content files from the storage module and selects

at least one content file of said plurality of content files based on said profile of said user

(col. 5, lines 33-46; col. 4, lines 53-59; col. 8, lines 1-18).

Regarding claims 3, 17 and 30, Sitnik anticipates the presentation module further

presents a list containing the at least one content file to the user (col. 9, lines 57-61; col.

7, lines 21-27).

Regarding claims 4, 18 and 31, Sitnik anticipates the selected content file further

comprises audio/video data (col. 9, lines 24-43; col. 3, lines 51-64).

Regarding claims 5, 19 and 32, Sitnik anticipates the content information (synchronized video signals) associated with the selected content file further comprises a description of the selected content file (control data) (col. 5, lines 57-col. 6, line 3) and news (identification data reads on news/current information) related to the selected content file (col. 3, lines 66-col. 4, line 7).

Regarding claims 6, 20 and 33, Sitnik anticipates the selected content file further comprises a plurality of content segments (alternative images) (col. 3, line 60-col. 4, line 11), each content segment of the plurality of content segments having associated segment information (identification data) within the content information (col. 3, line 64-col. 4, line 7; col. 5, lines 4-11).

Regarding claims 7, 21 and 34, Sitnik anticipates the control module further processes the segment information of the each content segment and the profile of the user to match the segment information with the profile, and selects a predetermined number of content segments from the plurality of content segments in a predetermined order to form the play sequence (col. 6, lines 30-37; col. 7, lines 31-40; col. 8, lines 19-34).

Regarding claims 8, 22 and 35, Sitnik anticipates the play sequence further comprises a predetermined number of content segments of the selected content file in a predetermined order and the modified play sequence further comprises

the predetermined number of content segments in a modified order requested by

the explicit input command (col. 8, lines 24-52).

Regarding claims 9, 23 and 36, Sitnik anticipates the control module further

selects advertising material based on the profile of the user and the presentation

module further presents the advertising material to the user together with the play

sequence of the selected content file (col. 8, lines 35-52; col. 9, lines 10-56; col. 4, lines

8-34).

Regarding claim 24, Sitnik anticipates the profile of the user is stored in a profile

storage area of the storage module (col. 6, lines 37-43).

Regarding claim 25, Sitnik anticipates the plurality of content files is stored in a

content storage area of the storage module (col. 5, lines 2-10 & lines 51-61).

Regarding claims 10, 26 and 37, Sitnik anticipates the explicit input command

further requests presentation of at least one advertisement to the user (col. 8, lines 34-

52 & 55-62; col. 9, lines 24-49).

Regarding claims 11, 27 and 38, Sitnik anticipates the control module further

selects the at least one advertisement based on the explicit input command

and the presentation module further presents the at least one advertisement

to the user (col. 8, lines 35-52 & 55-62; col. 8, lines 15-18).

Conclusion

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.
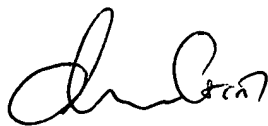
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future
correspondence indicate the new designation 2623.

CJ

CHRISTOPHER GRANT
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